



**CITY OF HUTTO, TEXAS  
REGULAR CITY COUNCIL MEETING  
THURSDAY, AUGUST 16, 2012 AT 7:00 P.M.  
CITY HALL - CITY COUNCIL CHAMBERS  
401 WEST FRONT STREET**

**CITY COUNCIL**

Debbie Holland, Mayor  
Anne Cano, Place 1  
Paul Prince, Place 2  
Ronnie Quintanilla-Perez, Place 3, Mayor Pro-tem  
Michael J. Smith, Place 4  
Melanie Rios, Place 5  
Max V. Yeste, Place 6

**AGENDA**

1. **CALL SESSION TO ORDER**
2. **ROLL CALL**
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE**
5. **PROCLAMATIONS:**
  - 5A. There are no proclamations scheduled.
6. **PUBLIC COMMUNICATION:**
  - 6A. Remarks from visitors. (*Three-minute time limit*)
7. **PUBLIC HEARINGS:**
  - A. FINANCE DEPARTMENT
    - 7A1. Open and conduct a public hearing to hear testimony regarding the proposed Fiscal Year 2012-13 Budget.
    - 7A2. Open and conduct a public hearing to hear testimony regarding the proposed ad valorem tax rate.

8. **PRESENTATIONS:**

8A. There are no presentations scheduled.

9. **REPORTS & ANNOUNCEMENTS:**

9A. Report by Councilmember Paul Prince regarding the Saturday Chat Session held on August 4, 2012.

9B. Report by Councilmember Anne Cano regarding the Williamson County Children's Advocacy Center Board meeting and retreat held on August 6-7, 2012.

9C. Report by Mayor Debbie Holland regarding the Temple College Foundation Board meeting held on August 7, 2012.

9D. Report by Mayor Debbie Holland regarding the Capital Area Economic Development District Board meeting held on August 9, 2012.

9E. Report by Councilmember Michael Smith regarding the Saturday Chat Session held on August 11, 2012.

9F. Report by Councilmember Max Yeste regarding the Round Rock Area Serving center Board meeting held on August 15, 2012.

10. **CONSENT AGENDA ITEMS:**

All items listed on the consent agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Councilmember in which event, the item will be removed from the consent agenda and considered as a regular agenda item.

10A. Consideration and possible action on the minutes for the City Council regular meeting held on July 19, 2012, and the City Council regular meeting held on August 2, 2012.

**REGULAR AGENDA ITEMS**

11. **ORDINANCES:**

A. PUBLIC SAFETY DEPARTMENT

11A1. Consideration and possible action on the first reading of an ordinance, deleting Chapter 4, Article 4.02, of the Code of Ordinances, regarding Peddlers and Itinerant Vendors in its entirety and replacing said section with a new Section 4.02.

12. **RESOLUTIONS:**

A. OFFICE OF THE CITY MANAGER

12A1. Consideration and possible action on a resolution establishing a Marketing Plan Task Force to act in an advisory capacity to the City Council regarding recommendations for a comprehensive marketing plan for the Hutto Community.

13. **OTHER BUSINESS**

A. There are no other business items scheduled.

14. **WORK SESSION**

A work session is conducted for information or educational purposes. No action is taken by the Council on items listed. It is the policy of the City Council that public comment will not be allowed for work session items.

A. OFFICE OF THE CITY MANAGER

14A1. Work session on the development of the City's legislative agenda for the Texas 83<sup>rd</sup> Legislative Session.

B. FINANCE DEPARTMENT

14B1. Work session on the proposed revenues and expenditures for the Fiscal Year 2012-13 Budget.

15. **EXECUTIVE SESSION**

15A. There are no executive session items scheduled.

16. **ACTION RELATIVE TO EXECUTIVE SESSION**

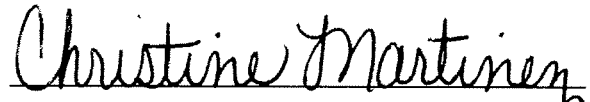
16A. There are no executive session items scheduled.

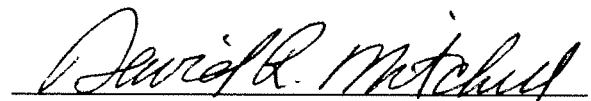
17. **ADJOURNMENT**

The City Council for the City of Hutto reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by the Texas Government Code Sections 551.071 [Litigation/Consultation with Attorney], 551.072 [Deliberations regarding real property], 551.073 [Deliberations regarding gifts and donations], 551.074 [Deliberations regarding personnel matters] or 551.076 [Deliberations regarding deployment/implementation of security personnel or devices] and 551.087 [Deliberations regarding Economic Development negotiations].

### CERTIFICATION

I certify that this notice of the August 16, 2012, Hutto City Council meeting was posted on the City Hall bulletin board of the City of Hutto on the 10<sup>th</sup> day of August 2012 at 3:50pm

  
Christine Martinez, City Secretary

  
David R. Mitchell, City Manager

Reviewed and approved for posting:

The City of Hutto is committed to comply with the American with Disabilities Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special communications or accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at 512/ 759-4033 or [city.secretary@HuttoTX.gov](mailto:city.secretary@HuttoTX.gov) for assistance.

# **CITY OF HUTTO CITY COUNCIL AGENDA**

**AGENDA ITEM NO.:** 7A1.      **AGENDA DATE:** August 16, 2012

**PREPARED BY:** Micah Grau, Assistant City Manager

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**APPROVED BY:** David R. Mitchell

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David Mitchell, City Manager

**ITEM:** Open and conduct a public hearing to hear testimony regarding the proposed Fiscal Year 2012-13 Budget.

**STRATEGIC GUIDE** Fiscal and Budgetary  
**POLICY:**

## **ITEM BACKGROUND:**

Section 102.006 of the Local Government Code requires that "The governing body of a municipality shall hold a public hearing on the proposed budget."

## **BUDGETARY AND FINANCIAL SUMMARY:**

A copy of the FY 2012-13 proposed budget was filed with the City Secretary on July 26, 2012, and was placed on the City's website ([www.HuttoTX.gov](http://www.HuttoTX.gov)). The public hearing notice was included in the Hutto News and Taylor Daily Press on August 1st and 8th and was also included on the City's website.

## **RELATED ADVISORY BOARD RECOMMENDATIONS:**

Not applicable.

**CITY ATTORNEY REVIEW:**

Not applicable.

**STAFF RECOMMENDATION:**

Staff recommends opening and conducting the public hearing for the proposed FY 2012-13 Budget.



## **PUBLIC HEARING NOTICE**

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### **PUBLIC HEARING ON PROPOSED FISCAL YEAR 2012-13 BUDGET**

As per the requirements of Chapter 102 of the Texas Local Government Code and Section 8.05 of the City Charter of the City of Hutto, notice is hereby given that the Hutto City Council will conduct a public hearing on the proposed 2012-13 Budget.

This budget will raise more total property taxes than last year's budget by \$168,895 or 3.79%, and of that amount \$113,803 is tax revenue to be raised from new property added to the tax roll this year.

This meeting will be held on the 16<sup>th</sup> day of August 2012, beginning at 7:00 pm at the Hutto City Council Chambers, 401 W. Front St. Hutto, Williamson County, Texas 78634.

A copy of materials related to this item will be available in the Hutto City Hall building located at 401 W. Front St. Hutto, Texas between the hours of 8:00 am and 5:00 pm Monday through Friday. The proposed budget can also be found on the City's website ([www.HuttoTX.gov](http://www.HuttoTX.gov)). For further information contact Melanie Hudson, Finance Manager, at 512-759-4046.

# **CITY OF HUTTO CITY COUNCIL AGENDA**

**AGENDA ITEM NO.:** 7A2.

**AGENDA DATE:**

August 16, 2012

**PREPARED BY:** Micah Grau, Assistant City Manager

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**APPROVED BY:** David R. Mitchell

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David Mitchell, City Manager

**ITEM:** Open and conduct the second public hearing to hear testimony regarding the proposed ad valorem tax rate.

**STRATEGIC GUIDE** Fiscal and Budgetary  
**POLICY:**

## **ITEM BACKGROUND:**

Two public hearings are required under Truth in Taxation as the City of Hutto is proposing a tax rate over the effective tax rate for Fiscal Year 2013. Tax rates, per \$100 of taxable value, are as follows: 2011-12 (current year) tax rate: \$0.516545  
Formula: Assessed Valuation/100 x tax rate = taxes paid 2012-13 (upcoming year)  
effective rate: \$0.522276 Effective rate formula: Last year's total tax revenue ÷ this year's tax base (after subtracting value of new property) 2012-13 (upcoming year) rollback rate: \$0.577727 Rollback rate formula: Last year's operating tax revenue / this year's tax base (after subtracting value of new property) x 1.08% + this year's debt rate (less adjustment for sales tax for property tax reduction) This is the highest rate the Council may consider without risking a voter petitioned rollback election. 2012-13 (upcoming year) proposed rate: \$0.528691 This year's proposed rate is the current years M&O of \$.441684 plus the I&S rate of \$0.087007. The maximum tax rate that the City Council may consider is the proposed tax rate of \$0.528691 based on the action taken by Council on July 26.



**BUDGETARY AND FINANCIAL SUMMARY:**

The budget for the General Fund and Debt Service (I&S - Interest and Sinking) Fund are funded in part based on the property tax rate.

**RELATED ADVISORY BOARD RECOMMENDATIONS:**

Not applicable.

**CITY ATTORNEY REVIEW:**

Not applicable.

**STAFF RECOMMENDATION:**

Staff recommends Council open and conduct the public hearing for the proposed ad valorem tax rate.

## **CITY OF HUTTO CITY COUNCIL AGENDA**

**AGENDA ITEM NO.:** 10A.      **AGENDA DATE:** August 16, 2012

**PREPARED BY:** Christine Martinez, City Secretary

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**APPROVED BY:** David R. Mitchell

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David Mitchell, City Manager

**ITEM:** Consideration and possible action on the minutes for the City Council regular meeting held on July 19, 2012, and the City Council regular meeting held on August 2, 2012.

**STRATEGIC  
GUIDE POLICY:** Council Relations

### **ITEM BACKGROUND:**

The meeting minutes for the July 19, 2012 and August 2, 2012, regular City Council meetings have been drafted and brought to the Council for review and approval.

### **BUDGETARY AND FINANCIAL SUMMARY:**

Not applicable.

### **RELATED ADVISORY BOARD RECOMMENDATIONS:**

Not applicable.

**CITY ATTORNEY REVIEW:**

Not applicable.

**STAFF RECOMMENDATION:**

Staff recommends approval of the July 19, 2012 and August 2, 2012, regular City Council meeting minutes.



**CITY COUNCIL  
MEETING MINUTES  
AUGUST 02, 2012**

*The Hutto City Council met in a regular session on Thursday, August 2, 2012 in the Hutto City Council Chamber, 401 W. Front Street, Hutto, TX 78634.*

**CALL SESSION TO ORDER**

*Mayor Holland called the session to order at 7:00 p.m.*

**ROLL CALL**

*Members of the City Council that were present were Mayor Debbie Holland, Councilmember Anne Cano, Councilmember Paul Prince who had an excused absence for the first part of the meeting arrived at 7:57 p.m., Mayor Pro-tem Ronnie Quintanilla-Perez, Councilmember Michael J. Smith, and Councilmember Max V. Yeste. Councilmember Melanie Rios had an excused absence.*

*Members of staff that were present were David Mitchell, City Manager, Micah Grau, Assistant City Manager, Assistant City Attorney Jason Rammel, Matt Bushak, City Engineer, Will Guerin, Planning Manager, Melanie Hudson, Finance Manager, Mike Hemker, Parks and Recreation Director, Randy Barker, Internal Services Manager, and Chief of Police Peter Scheets.*

**INVOCATION**

*The invocation was given by Senior Pastor Joaquin Bordoni of the Iglesia Nueva Vida of Hutto.*

**PLEDGE OF ALLEGIANCE**

*Mayor Holland led the Pledge of Allegiance.*

**PROCLAMATIONS:**

- 5A. Proclamation declaring August 7, 2012, as "National Night Out" in recognition of the community activities to be held in the City of Hutto promoting cooperation, police-community crime prevention, and quality of life issues.

*Mayor Holland read the following proclamation and presented it to Chief of Police Scheets.*

**OFFICIAL PROCLAMATION**

*WHEREAS, the Hutto Police Department and National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime and drug prevention program on August 7, 2012, called "National Night Out"; and*

*WHEREAS, the 29th Annual National Night Out provides a unique opportunity for Hutto to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention, and quality-of-life issues; and*

*WHEREAS, citizens of Hutto play a vital role in assisting the Police Department through joint crime and drug prevention and reporting efforts in Hutto; and*

*WHEREAS, it is essential that all citizens of Hutto be aware of the importance of crime prevention programs and impact their participation can have on reducing crime, drugs, and violence in Hutto; and*

*WHEREAS, police-community partnerships, neighborhood safety, awareness, and cooperation are important themes of the National Night Out program.*

*NOW THEREFORE, I, DEBBIE HOLLAND, Mayor of the City of Hutto, Texas do hereby proclaim August 7, 2012 as the*

*"29<sup>th</sup> ANNUAL NATIONAL NIGHT OUT"*

*in the City of Hutto and call upon all citizens to join with me in supporting this important night.*

*PROCLAIMED this 2nd day of August, 2012.*

#### PUBLIC COMMUNICATION

##### 6A    Remarks from visitors.

*Pastor Joaquin Bordoni of the Iglesia Nueva Vida of Hutto invited the City Council to their church festival on Saturday, August 4<sup>th</sup> from 9:00 a.m. to 3:00 p.m. Pastor Bordoni outlined the activities of the day.*

#### PUBLIC HEARINGS:

*7A.    There were no public hearings scheduled.*

#### PRESENTATIONS:

##### 8A1.   Presentation concerning the Williamson County Planning and Preliminary Design Project for County Road 110 and Arterial A.

*This item was withdrawn from the agenda at the request of staff.*

#### REPORTS AND ANNOUNCEMENTS:

##### 9A.    Report by Councilmember Anne Cano regarding the Saturday Chat Session held on July 21, 2012.

*Councilmember Cano reported that she only had one visitor at the July 21 Saturday Chat Session. The visitor was Elizabeth Page of the Hutto News.*

##### 9B.    Report by Mayor Pro-tem Ronnie Quintanilla-Perez regarding the Hutto Education Foundation Board meeting held on July 25, 2012.

*Mayor Pro-tem Quintanilla-Perez reported that the main discussion at the July 25<sup>th</sup> meeting of the Hutto Education Foundation was the Hutto Education Foundation's Fall Fundraising Campaign Kick-Off Barbecue that will be held at South Fork Ranch on September 9th.*

- 9C. Report by Mayor Debbie Holland regarding the Saturday Chat Session held on July 28, 2012.

*Mayor Holland reported that she has three visitors at the July 28<sup>th</sup> Saturday Chat Session. The visitors were Girl Scouts who were looking for a sustainable project to work on for their bronze medal. They presented the idea of bringing in and taking out single stream bins in Fritz Park during events. They would like to kick-off this project at the Movies in the Park event after the National Night Out event.*

- 9D. Report by Mayor Debbie Holland regarding the Coordination Committee meeting held on July 31, 2012.

*Mayor Holland outlined topics that the Coordination Committee discussed at their July 31<sup>st</sup> meeting. She spoke on the importance of the City and School coordination and joining forces to save money by different means.*

#### CONSENT AGENDA ITEMS:

*Mayor Holland announced that Item 10A has been withdrawn from the agenda at the request of staff. In addition, Items 10E, 10F, 10G, 10H, 10I, and 10J were removed from the consent agenda to be addressed during the regular agenda.*

- 10A. Consideration and possible action on the minutes for the City Council regular meeting held on July 19, 2012.
- 10B. Consideration and possible action authorizing the quarterly payment to the Williamson County Emergency Services District No. 3 in accordance with the Outside Agency Agreement.
- 10C. Consideration and possible action authorizing the quarterly payment to Hope Alliance in accordance with the Outside Agency Agreement.
- 10D. Consideration and possible action authorizing the quarterly payment to the Round Rock Area Serving Center in accordance with the Outside Agency Agreement.
- 10E. Consideration and possible action on the second and final reading of an ordinance, granting a franchise to Al Clawson Disposal, Inc. to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.
- 10F. Consideration and possible action on the second and final reading of an ordinance, granting a franchise to Allied Waste Services to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.

- 10G. Consideration and possible action on the second and final reading of an ordinance, granting a franchise to Central Texas Refuse, Inc. to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.
- 10H. Consideration and possible action on the second and final reading of an ordinance, granting a franchise to IESI Corporation to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.
- 10I. Consideration and possible action on the second and final reading of an ordinance, granting a franchise to Texas Disposal Systems to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.
- 10J. Consideration and possible action on the second and final reading of an ordinance, granting a franchise to Waste Management of Texas, Inc. to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.
- 10K. Consideration and possible action on the second and final reading of an ordinance adopting the Fiscal Year 2012-13 Budget of the Hutto Economic Development Corporation.
- 10L. Consideration and possible action on the second and final reading of an ordinance adopting the Fiscal Year 2012-13 Brazos River Authority operations and maintenance budget for the Hutto Wastewater Treatment Facility.

*All remaining items listed on the consent agenda were considered to be routine by the City Council and were enacted by one motion. There was no separate discussion of these items.*

*MOTION: Councilmember Yeste moved to approve the remaining items on the consent agenda, Items 10B, 10C, 10D, 10K, 10L. Councilmember Cano seconded the motion. The motion carried with 5 ayes and 0 nays.*

## REGULAR AGENDA ITEMS

### ORDINANCES:

*Mayor Holland presented for discussion the addition of language for the franchise ordinances. The addition would address recycling services if a commercial establishment asks for that service.*

*The Council discussed the addition and the benefits of the recycling service. It was clarified that the businesses will not be obligated to take this service, but if they wish to participate in recycling then that service would be available.*

*Mr. Grau informed the Council that all the agencies have the capabilities to offer recycling services and staff contacted the establishments to see if they had any*

concerns regarding a recycling service amendment to the franchise ordinance. The agencies had no concerns and agreed to the amendment.

Assistant City Attorney Rammel presented the following language that could be added to the ordinance as Section 8.06 regarding the offer of recycling services. "Upon request from a Service Recipient, Grantee will provide such Service Recipient with recycling services at a reasonable cost. Any revenue received by the Grantee for the provision of recycling services shall be included in the Gross Receipts."

There was no additional discussion for each of the franchise ordinances.

- 10E. Consideration and possible action on the second and final reading of an ordinance, granting a franchise to Al Clawson Disposal, Inc. to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.

*MOTION: Mayor Pro-tem Quintanilla-Perez moved to approve the second and final reading of the ordinance granting a franchise to Al Clawson Disposal, Inc. for the collection of specified waste materials from non-residential establishments within the City and the addition of the language presented by the Assistant City Attorney. Councilmember Cano seconded the motion. The motion carried with 5 ayes and 0 nays.*

- 10F. Consideration and possible action on the second and final reading of an ordinance, granting a franchise to Allied Waste Services to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.

*MOTION: Councilmember Yeste moved to approve the second and final reading of the ordinance granting a franchise to Allied Waste Services for the collection of specified waste materials from non-residential establishments within the City and the addition of the language presented by the Assistant City Attorney. Councilmember Cano seconded the motion. The motion carried with 5 ayes and 0 nays.*

- 10G. Consideration and possible action on the second and final reading of an ordinance, granting a franchise to Central Texas Refuse, Inc. to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.

*MOVED: Councilmember Cano moved to approve the second and final reading of the ordinance granting a franchise to Central Texas Refuse, Inc. for the collection of specified waste materials from non-residential establishments within the City and the addition of the language presented by the Assistant City Attorney. Councilmember Yeste seconded the motion. The motion carried with 7 ayes and 0 nays.*

- 10H. Consideration and possible action on the second and final reading of an ordinance, granting a franchise to IESI Corporation to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.



*MOTION:* Mayor Pro-tem Quintanilla-Perez moved to approve the second and final reading of the ordinance granting a franchise to IESI Corporation for the collection of specified waste materials from non-residential establishments within the City and the addition of the language presented by the Assistant City Attorney. Councilmember Cano seconded the motion. The motion carried with 5 ayes and 0 nays.

- 10I. Consideration and possible action on the second and final reading of an ordinance, granting a franchise to Texas Disposal Systems to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.

*MOTION:* Councilmember Smith moved to approve the second and final reading of the ordinance granting a franchise to Texas Disposal Systems for the collection of specified waste materials from non-residential establishments within the City and the addition of the language presented by the Assistant City Attorney. Councilmember Cano seconded the motion. The motion carried with 5 ayes and 0 nays.

- 10J. Consideration and possible action on the second and final reading of an ordinance, granting a franchise to Waste Management of Texas, Inc. to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.

*MOTION:* Mayor Pro-tem Quintanilla-Perez moved to approve the second and final reading of the ordinance granting a franchise to Waste Management of Texas, Inc. to engage in the collection of specified waste materials from non-residential establishments within the City and the addition of the language presented by the Assistant City Attorney. Councilmember Smith seconded the motion. The motion carried with 5 ayes and 0 nays.

- 11A1. Consideration and possible action on the second and final reading of an ordinance concerning the zoning change for the Narrows PUD, 38.68 acres from SF-1 (Single-Family Residential) to Planned Unit Development (PUD) zoning district. (Owner: Anthony Dobias and BJL, Inc.; Agent: Griffin Engineering Group, Inc.)

Will Guerin, Planning Manager gave the staff presentation. Since the first reading of the ordinance, the applicant appears to have met the Council's conditions. The applicant has included language in the Development Plan that ensures the wrought iron fence will extend across the length of the entire rear of the PUD area. The applicant has included language ensuring a minimum of two access gates in the wrought iron fence in the Development Plan. The applicant has also included language that states that large truck parking overnight shall be located in the rear of the property or screened. As for individual storage units possibly being used as offices, it turns out this concern is already addressed in the UDC, it is prohibited, but the applicant has referenced that particular section for clarification.

Staff presented examples of mini-storage buildings that would generally meet UDC standards. He noted that the UDC has specific standards for self-storage units (10.411.4), and they are to follow commercial architectural standards. This appears to address that particular concern of the Council's. Staff recommended that Section 10.411.4 be referenced in the Development Plan as a condition of approval regarding self-storage facilities.

MOTION: Councilmember Yeste moved to approve on the second and final reading of the ordinance concerning the zoning change for 38.68 acres, The Narrows, from SF-1 (Single-Family Residential) to Planned Unit Development (PUD) zoning district with the changes as presented by staff and that the following sentence be included under Building Architecture, "Self-Storage in Development Area 3 will have no door openings facing CR 137." Mayor Pro-tem Quintanilla-Perez seconded the motion. The motion carried with 5 ayes and 0 nays.

#### RESOLUTIONS:

12A1 Consideration and possible action on a resolution amending the 2030 Hutto Strategic Guide and revising the City's Vision and Mission Statements.

David Mitchell gave the staff presentation. At the Council's annual summer retreat on June 16, 2012, the state of the 2030 Strategic Guide and each of the policy statements was examined. The Council also reviewed the Vision and Mission statements that were adopted years ago. The Council wished to bring the Vision and Mission statements into the present that would work in the future. The Council revised some of the policy statements, goals, and the Vision and Mission statements for the City. The Strategic Guide, Vision, and Mission statements were brought before the Council for further discussion and final approval of this year's amendments to the Strategic Guide. He outlined the changes that were made to the Vision, Mission statement, policies, and goals.

MOTION: Mayor Pro-tem Quintanilla-Perez moved to approve the resolution amending the 2030 Hutto Strategic Guide, revising the City's Vision and Mission Statements, and corrections as presented by the City Manager. Councilmember Smith seconded the motion. The motion carried with 6 ayes and 0 nays.

12B1. Consideration and possible action on a resolution concerning the proposed Subdivision Case #1000-PLAT, Case Name: Hutto Square Section 4 Final Plat, (19.734 acres, more or less, of land, 83 single-family lots), located at the intersection of Limmer Loop and Anderson Street. (Owner: Hutto Development LTD; Agent: Randall Jones & Associates Engineering Inc.)

Will Guerin, Planning Manager gave the staff presentation. This plat proposes 83 new single-family lots within the Hutto Square subdivision, and will provide another access point to Limmer Loop. While the applicant is providing sidewalks along every internal street within the subdivision, the Planning & Zoning Commission had a concern about not having a sidewalk along the adjacent portion of Limmer Loop. The applicant is attempting to mitigate this concern by providing a pedestrian easement between two

residential lots to connect the internal sidewalks directly into Hutto Middle School and Cottonwood Creek Elementary School. The easement will have a concrete base, according to the applicant. Emergency Services District (ESD) No. 3, which reviews plats for fire compliance, had a comment asking for a wider cul-de-sac. The curb-to-curb radius on the plat is shown as 40 feet, per the approved preliminary plat and per the applicable codes at the time. The ESD asked for a 50' curb-to-curb radius per newer Fire Codes adopted since then. The problem with providing a 50' curb-to-curb radius is that it will bring several of the adjacent lots out of Code due to lot lines and setbacks, thus subjecting this plat to disapproval and multiple variance requests.

MOTION: Councilmember Cano moved to approve the resolution concerning Subdivision Case #1000-PLAT, Case Name: Hutto Square Section 4 Final Plat, (19.734 acres, more or less, of land, 83 single-family lots), located at the intersection of Limmer Loop and Anderson Street. Councilmember Prince seconded the motion. The motion carried with 6 ayes and 0 nays.

12B2. Consideration and possible action on a resolution concerning the proposed affidavit of correction on the Creek Bend Section One Final Plat, to correct the street name Creek Bend Drive to South Creek Bend Drive in order to be consistent with the other sections of the subdivision. (Owner: Centex Homes; Agent: CSF Civil Group)

Will Guerin, Planning Manager gave the staff presentation. A request was received from Centex Homes to correct the street name of Creek Bend Drive to South Creek Bend Drive on the Creek Bend, Section One Final Plat. This will make it consistent with the other sections of this subdivision. There was an oversight on the names of the street, when the original plat was approved by City Council on February 18, 2002. An affidavit of correction was recommended by the Williamson County Clerk if the City wishes to proceed with the name change. There are 15 single-family lots on this street and nine property owners are currently using the south directional as their mailing address. There are two property owner occupied homes, one non-owner occupied property, one bank owned property, and two properties owned by Centex Homes that are not using the south directional. The owners of the properties would be notified of the correction. Staff will notify Williamson County Emergency Services, WCAD, and all service providers routinely notified for addressing additions/corrections. The post office will continue to provide forwarding services for up to one (1) year.

MOTION: Councilmember Cano moved to the resolution concerning the proposed affidavit of correction on the Creek Bend Section One Final Plat, to correct the street name Creek Bend Drive to South Creek Bend Drive in order to be consistent with the other sections of the subdivision and to provide notification to the appropriate entities regarding this correction. Councilmember Prince seconded the motion. The motion carried with 6 ayes and 0 nays.

12C1 Consideration and possible action on a resolution authorizing the City to engage the firm of Brockway, Gersbach, Franklin and Niemeier, PC for the City's independent financial audit for the fiscal year ending September 30, 2012.

Melanie Hudson, Finance Manager gave the staff presentation. The City Charter requires the engagement of an outside Certified Public Accountant to conduct an audit for the City. The City has used the firm Brockway, Gersbach, Franklin and Niemeier PC from Temple, Texas, since 2006. Last summer the firm was selected using a request for proposals (RFP) with four firms submitting. The firm also previously prepared the City's Comprehensive Annual Financial Report (CAFR) helping the City earn the Certificate of Excellence in Financial Reporting from the Government Finance Officers Association since 2007.

MOTION: Councilmember Cano moved to approve the resolution authorizing the City to engage the firm of Brockway, Gersbach, Franklin and Niemeier, PC for the City's independent financial audit for the fiscal year ending September 30, 2012. Councilmember Smith seconded the motion. The motion carried with 6 ayes and 0 nays.

#### OTHER BUSINESS:

##### 13A1. Consideration and possible action concerning appointments to fill unexpired terms on the Planning and Zoning Commission and Zoning Board of Adjustments.

The Board Selection Committee met to review applications and to conduct interviews for the vacancies on the Planning and Zoning Commission and Zoning Board of Adjustments. The term for the Planning and Zoning Commission vacancy expires December 2012 and the term for the Zoning Board of Adjustments expires December 2013. The City Council received the recommendations from the Committee for the appointments.

MOTION: Councilmember Cano moved to appoint Bryon Borchers to the unexpired term on the Planning and Zoning Commission and Stephanie Alba to the unexpired term on the Zoning Board of Adjustments. Mayor Pro-tem Quintanilla-Perez seconded the motion. The motion carried with 6 ayes and 0 nays.

Mayor called for a recess at 8:36 p.m. and reconvened the meeting at 8:41 p.m.

#### WORK SESSION:

The work session was conducted for information or educational purposes. No action was taken by the Council on items listed. It is the policy of the City Council that public comment will not be allowed for work session items.

##### 14A1 Work session on the proposed revenues and expenditures for the Fiscal Year 2012-13 Budget.

This work session was to review the proposed revenues and expenditures for the Development Services Department and the Parks and Recreation Department.

The Council was provided with the proposed Fiscal Year 2012-13 Budget on July 26, 2012.

*Will Guerin, Planning Manager outlined the accomplishments, objectives, budget changes, and proposed budget for Planning, Code Enforcement, and Permits & Inspections.*

*Matt Bushak, City Engineer outlined the accomplishments, objectives, budget changes, and proposed budget for the Engineering Division.*

*Mike Hemker, Parks and Recreation Director outlined the accomplishments, objectives, budget changes, and proposed budget for the Parks, Recreation, Park Maintenance, and Library.*

*Micah Grau, Assistant City Manager outlined the financial portion of the proposed budget.*

**EXECUTIVE SESSION:**

- 15A. Executive Session as authorized by §551.072, Texas Government Code, related to the discussion and deliberation concerning the purchase of real property for the Hutto Economic Development Corporation facility.

*The City Council entered into the Conference Room at 8:42 p.m. for the Executive Session and reconvened into Regular Session at 9:00 p.m.*

**ACTION RELATIVE TO EXECUTIVE SESSION:**

- 16A. Consideration and/or possible action related to the purchase of real property for the Hutto Economic Development Corporation facility.

*There was no action taken on the Executive Session.*

**ADJOURNMENT:**

*There being no further business, the meeting adjourned at 9:50 p.m.*

CITY OF HUTTO, TEXAS

\_\_\_\_\_  
Debbie Holland, Mayor

ATTEST:

\_\_\_\_\_  
Christine Martinez, City Secretary



**CITY COUNCIL  
MEETING MINUTES  
JULY 19, 2012**

*The Hutto City Council met in a regular session on Thursday, July 19, 2012 in the Hutto City Council Chamber, 401 W. Front Street, Hutto, TX 78634.*

**CALL SESSION TO ORDER**

*Mayor Holland called the session to order at 7:00 p.m.*

**ROLL CALL**

*Members of the City Council that were present were Mayor Debbie Holland, Councilmember Anne Cano, Councilmember Paul Prince, Mayor Pro-tem Ronnie Quintanilla-Perez, Councilmember Michael J. Smith, Councilmember Melanie Rios and Councilmember Max V. Yeste. Also present were David Mitchell, City Manager, Micah Grau, Assistant City Manager, and City Attorney Charlie Crossfield.*

**INVOCATION**

*The invocation was given by Pastor Chris Ross of the Family of God Worship Center in Hutto.*

**PLEDGE OF ALLEGIANCE**

*Mayor Holland led the Pledge of Allegiance.*

**PROCLAMATIONS:**

**5A. Proclamation declaring the month of August as “Breast Feeding Awareness Month.”**

*Mayor read the following proclamation and presented it to Karla Luna of Williamson County and Cities Health District.*

**OFFICIAL PROCLAMATION**

*Whereas, the Williamson County and Cities Health District’s Women, Infants and Children (WIC) Program takes this occasion to educate, inform, and encourage breast-feeding mothers on the importance of health care for mothers and babies; and*

*Whereas, the mission of WIC is focused on improving the nutritional status of low and moderate income women, infants, and children by providing food, nutrition and breast-feeding education; and*

*Whereas, the goals of WIC are to highlight the importance of breast milk for infants as well as the support that is available throughout the community and to make sure that the importance of breastfeeding reaches as many people as possible,*

*Now Therefore, I, Debbie Holland, Mayor of the City of Hutto do hereby proclaim the month of August as*

*“Breast-Feeding Awareness Month”*

*and urge all citizens to take part in recognizing the successes of healthy mothers and healthy children and to help by providing encouragement to breast-feeding mothers. Proclaimed this 19th day of July, 2012.*

PUBLIC COMMUNICATION:

6A. Remarks from visitors.

*There were no remarks from visitors.*

PUBLIC HEARINGS:

7A1. Open and conduct a public hearing concerning a zoning change for the Narrows PUD, 38.68 acres from SF-1 (Single Family Residential) to PUD (Planned Unit Development) zoning district. (Owner: Anthony Dobias and BJI, Inc.; Applicant: Griffin Engineering Group, Inc.)

*This tract is located near the intersection of FM 1660 South and CR 137. The Narrows is a Planned Unit Development (PUD) which aims to integrate several uses: commercial to the north, light industrial to the south, and multi-family between the two. The 38.68 acre property has been zoned SF-1 since its annexation.*

*Mayor Holland opened the public hearing at 7:07 p.m. There being no testimony, the public hearing was closed.*

PRESENTATIONS:

8A. Presentation of new police officer David Stripling.

*Chief of Police Peter Scheets introduced Officer David Stripling and outlined his background. He asked Officer Stripling's family to step forward and join him for the Oath of Office which was given by Mayor Holland and for the pinning of his badge which was done by Officer Stripling's girlfriend.*

8B. Recognizing Patti Gilmore and Amy McGlothlin for earning their Certified Public Manager's designation from Texas State University.

*Mayor Holland asked Patti Gilmore, Executive Assistant to the City Manager and Amy McGlothlin, Human Resources Manager to step forward so they can be presented with their certificates of graduation for completing the Certified Public Manager program. Mayor Holland added that these ladies completed this two year program at Texas State University. The purpose of the Certified Public Manager's Program is to enhance the skills, knowledge, and abilities of public and nonprofit managers. The Certified Public Manager's designation carries high marks of distinction due to the rigorous class and exam standards, the pledge to uphold ethical standards, and the commitment to ongoing professional development. The City Council and staff extended their congratulations to Patti Gilmore and Amy McGlothlin for achieving this designation.*

## REPORTS & ANNOUNCEMENTS:

- 9A. Report by Councilmember Max Yeste regarding the Saturday Chat Session held on July 7, 2012.

*Councilmember Yeste reported that he did not have any visitors at the July 7<sup>th</sup> Saturday Chat Session.*

- 9B. Report by Mayor Pro-tem Ronnie Quintanilla-Perez regarding the Saturday Chat Session held on July 14, 2012.

*Mayor Pro-tem Quintanilla-Perez reported that she did not have any visitors at the July 14<sup>th</sup> Saturday Chat Session.*

- 9C. Report by Councilmember Michael Smith regarding the Hutto Chamber of Commerce Board Meeting held on July 17, 2012.

*Councilmember Smith reported that the discussion at the July 17<sup>th</sup> meeting was on the normal board meeting items. He added that the Chamber is currently looking for Olde Tyme Days sponsors which the meeting will be focusing on until that day.*

- 9D. Report by Councilmember Anne Cano regarding the Hutto Economic Development Board meeting held on July 17, 2012.

*Councilmember Cano reported that the discussion at the July 17<sup>th</sup> meeting was on what is going on in the city, the infrastructure, rail service, the EWCHEC (East Williamson County Higher Education Center, and the statistical work that is being done on the website.*

- 9E. Report by Councilmember Max Yeste regarding the Round Rock Area Serving Center Board Meeting held on July 18, 2012.

*Councilmember Yeste reported that discussion at the July 18<sup>th</sup> meeting was on how the Serving Center is doing financially, which is well. In addition, at this point the Center has served 7,700 households this year and the numbers are increasing to about 100 a month. The Director has checked with other agencies and they are experiencing the same type of figures. He added that the Karamu is scheduled for August 25<sup>th</sup> at the Old Settlers facility in Round Rock. Additional discussion was on the upcoming audit and the status of the capital campaign.*

## CONSENT AGENDA ITEMS:

*All items listed on the consent agenda were considered to be routine by the City Council and were enacted by one motion. There was no separate discussion of these items.*

- 10A. Consideration and possible action on the minutes for the City Council work session held on June 15-16, 2012 and the City Council regular meeting held on July 5, 2012.



- 10B. Consideration and possible action authorizing the quarterly payment to the Hutto Chamber of Commerce in accordance with the Outside Agency Agreement.
- 10C. Consideration and possible action authorizing the quarterly payment to the Williamson County Children's Advocacy Center in accordance with the Outside Agency Agreement.

*MOTION: Councilmember Cano moved to approve all the items on the consent agenda as presented. Councilmember Rios seconded the motion. The motion carried with 7 ayes and 0 nays.*

#### REGULAR AGENDA ITEMS

#### ORDINANCES:

- 11A1. Consideration and possible action on the first reading of an ordinance regarding the zoning change for the Narrows PUD, 38.68 acres from SF-1 (Single Family Residential) to PUD (Planned Unit Development) zoning district. (Owner: Anthony Dobias and BJI Inc.; Applicant: Griffin Engineering Group Inc.)

*Will Guerin, Planning Manager gave the staff presentation. This tract is located near the intersection of FM 1660 South and CR 137; The Narrows is a Planned Unit Development (PUD) which aims to integrate several uses: commercial to the north, light industrial to the south, and multi-family between the two. The 38.68 acre property has been zoned SF-1 since its annexation. He outlined the Future Land Use Map for the PUD and a schematic of the proposed Land Uses. He also provided visual examples of architecture standards for each proposed use and outlined the thoroughfare plan for the tract. He added that the property owner is dedicating a 30' trail easement in addition to the ten foot hike-and-bike trail shown in the Parks Master Plan which will provide connectivity between the uses and pedestrian access to private open space. The developer will provide adequate lighting at trail connections to ensure safety of residents accessing the retail area. In addition, there were numerous conditions the Planning and Zoning Commission placed upon the PUD, most of which the applicant has complied except for the condition about replacing the mini-storage use with medical office. The applicant wishes to include mini-storage in the PUD.*

*Greg Griffin, Agent for the property owner, described the site, he added that the owner is dedicating an additional 30' so it is 40' buffer along the trail. He noted that the final site plan has not been completed.*

*Mr. Guerin explained the Planning & Zoning Commission conditions as follows:*

- Update Development Plan to include language regarding 15' landscape buffer along rights-of-way, as discussed at the last meeting the Narrows PUD was presented.*
- Defer to UDC for buffer yard standards.*
- Remove 6' masonry wall along Brushy Creek. Replace with wrought iron fence with gates.*

- *Parking shown around the manufacturing building is in excess of UDC parking standards. Show appropriate number of spaces.*
- *Ensure that sidewalk is separated from the CR 137 by a tree lawn of at least 5 feet, per UDC.*
- *Additional prohibited uses in the PUD site shall be:*
  - 1) *Large item sales & rentals—Class 1 & 2;*
  - 2) *Special services*
  - 3) *Mini-warehouse / Mini-storage*
- *Replace Mini-warehouse (mini-storage) with Medical Office use.*
- *Manufacturing use limited to internal manufacturing only. No chemical manufacturing. Any chemical materials that are present must be stored internally.*
- *Water quality treatment for stormwater runoff is required.*
- *Cluster commercial buildings and include plaza area in Development Area 1 .*
- *A minimum of 3 acres of private parkland, including active recreational areas, must be provided in Development Area 2.*
- *Trail is required to conform to the Williamson County Parks Master Plan.*
- *Trail must be constructed at the time Development Area 2 is constructed.*
- *Any large trucks and equipment must be screened from public view in Development Area 3.*
- *Roadway improvements are to be made as stated in the Traffic Impact Analysis (TIA) acceptance memo dated May 16, 2012 by Rebecca Bray of Brown & Gay Engineers, Inc.*
- *Pedestrian safety crossing (i.e. HAWK installation) to be installed at the main entrance to Development Area 2, or closest entrance into the amenity center.*

*The Council discussed the following issues:*

- *The industrial tract*
- *Concerns regarding safety issues along the trail parking*
- *Time limits for trucks in the industrial area*
- *Truck parking the rear of the building*
- *A wall between the property that abuts the light industrial tract*
- *Minimum of two access gates for the property*
- *The need for additional architectural examples for mini-storages*

*MOTION: Councilmember Rios moved to approve the first reading of an ordinance regarding the zoning change for The Narrows, 38.68 acres, from SF-1 (Single Family Residential) to PUD (Planned Unit Development) zoning district with the acceptance of the recommendations from the Planning and Zoning Commission as presented. Councilmember Prince seconded the motion. The motion carried with 7 ayes and 0 nays.*

**11B1. Consideration and possible action on the first reading of an ordinance adopting the Fiscal Year 2012-13 Brazos River Authority operations and maintenance budget for the Hutto Wastewater Treatment Facility.**

*Micah Grau gave the staff presentation. The Council is required to adopt the annual operations and maintenance budget for the Wastewater Treatment Plant under the agreement with the BRA (Brazos River Authority.) The BRA Fiscal Year begins*

September 1<sup>st</sup> and the proposed budget will take affect September 1, 2012, with approval by the Council. The budget will be included in the City's 2012-13 Budget. Monthly payments are expected to total \$51,788.10 per month which is \$1,674.05 less than in the current year. Mr. Grau outlined the proposed budget.

MOTION: Councilmember Smith moved to approve the first reading of the ordinance adopting the Fiscal Year 2012-13 Brazos River Authority operations and maintenance budget for the Hutto Wastewater Treatment Facility. Mayor Pro-tem Quintanilla-Perez seconded the motion. The motion carried with 7 ayes and 0 nays.

11B2. Consideration and possible action for the first reading of an ordinance adopting the Fiscal Year 2012-13 Budget of the Hutto Economic Development Corporation.

Micah Grau gave the staff presentation. The narrative portion of the budget proposal reflects the economic development policy and goals developed in the joint Council/EDC workshop held earlier this year. The by-laws of the EDC require that the EDC adopt a budget at least 60 days prior to the beginning of the next fiscal year. The EDC fiscal year is the same as the City, which starts October 1 and ends September 30. The State Comptroller's Office remits ½ cent 4A economic development sales tax to the City. The funds are transferred to the EDC accounts monthly.

Scott Martinez, Executive Director of the Economic Development Corporation gave an update on the EDC accomplishments since 2007. He reported that the FY13 Budget totals \$692,500, which is an increase from the FY12 Amended Budget of \$570,130. The increase is a result of the Interlocal Agreement with Texas State Technical College. In addition, the FY13 Budget includes a \$125,000 payment to Texas State Technical College in accordance with the Interlocal Agreement.

MOTION: Councilmember Cano moved to approve the first reading of the ordinance adopting the Fiscal Year 2012-13 Budget of the Hutto Economic Development Corporation. Councilmember Prince seconded the motion. The motion carried with 7 ayes and 0 nays.

Mayor Holland dispensed with order of agenda and addressed the next item.

12A6. Consideration and possible action on a resolution authorizing participation in the Texas Main Street Program and designating the City Manager to coordinate program activities.

Micah Grau gave the staff presentation. The City is drafting an application to become a Main Street City. The Main Street Program, which is part of the Texas Historical Commission, helps revitalize historic downtown areas across the State by using preservation and economic development strategies. This program has helped communities realize more than \$2 billion in economic reinvestment, the creation of almost 25,000 local jobs and the expansion or creation of almost 6,400 businesses. As Hutto continues the redevelopment of the downtown area, being a member of this program will help promote Hutto throughout Texas, increasing tourism and economic development for the City.

*If selected, Hutto would be required to hire a Main Street Manager for a minimum of three years. The anticipated budget of a Main Street Division for 2013 is \$36,610 with the plan of hiring the Main Street Manager mid-year. A full year budget is estimated around \$75,000 which includes \$5,000 annually in façade improvement grants for downtown businesses. The Main Street Manager would be responsible for downtown event coordination such as Second Saturdays, promotion of downtown businesses, and promotion of tourism services. A portion of the budget could be covered through hotel occupancy taxes collected by the City.*

*Mr. Grau introduced Debra Farat, State Coordinator for the Texas Main Street Program - Community Heritage Development Division. Ms. Farat provided additional information regarding the Main Street Program and what it would entail. She pointed out that a Main Street is a sustainable downtown revitalization through historic preservation, volunteerism and a four-point approach which is organization, promotion, design, and economic restructuring.*

*MOTION: Councilmember Rios moved to approve the resolution authorizing participation in the Texas Main Street Program and designating the City Manager to coordinate program activities. Councilmember Smith seconded the motion. The motion carried with 7 ayes and 0 nays.*

#### WORK SESSION:

*The work session was conducted for information or educational purposes. No action was taken by the Council on items listed.*

#### 14A1. Discussion regarding signage at the entrance to the Cottonwood Creek Subdivision.

*David Mitchell gave the staff presentation. The City received a request concerning the removal of the old neighborhood sign on the left hand side of the road as one enters the Cottonwood Creek Subdivision. This sign sits in the City's right-of-way but was installed by the neighborhood several years ago and has been maintained primarily by the residents. He added that the resident who has been maintaining the sign and landscaping requested that the signage be removed. The City sent letters requesting feedback from the residents of the Cottonwood Creek Subdivision regarding the signage and mixed feedback was received.*

*Ed Pride, 101 Cottonwood, informed the Council that he has maintained the signage and ditch for many years and it has become a problem now that he is semi-retired. If the Council allows the removal, he can remove it but wants a letter to say he can tear it down. He added that it has also become very hard to maintain the ditch.*

*The Council discussed the history of the signage and the liability of having Mr. Pride remove the sign since it is in the City's right-of-way. It was the consensus of the Council to place the entrance sign to the Cottonwood Creek Subdivision on a list for the city to remove it.*

*Mayor Holland called for a 15 minute recess at 9:43 p.m. and reconvened the meeting at 10:00 p.m.*

## OTHER BUSINESS:

### 13B1. Consideration and possible action regarding the recommendation from the Parks Advisory Board concerning the Annual Parks, Recreation, Open Space & Trails Master Plan Annual Report for 2012.

*Mike Hemker, Parks and Recreation Director gave the staff presentation. In January 2007, the Council adopted the Parks, Recreation, Open Space and Trails Master Plan as its plan for providing parks and recreation facilities and services. The Plan has programmatic activities and priorities that are to be reviewed on an annual basis.*

*Mr. Hemker presented the Parks Advisory Board's recommendations for the current updates to the plan, programmatic activities, a tracking matrix and the list of priorities for 2012. He added that the presented version of the Tracking Matrix is now accompanied with a narrative which better explains the document and covers highlights and Plan references. The Parks Advisory Board also recommended that the Programmatic Priorities do not change in 2012 as the City moves forward with plans and grant applications that address the priorities as listed. Once some of these plans are complete, the priorities may change somewhat. He added that the narrative discusses customer/participant satisfaction levels with programs, special events and facilities and makes connections to the goals and objectives set forth in the 2007 plan. The 2012 Programmatic Priorities follow:*

#### Outdoor Recreation Facilities – Proposed

1. *Playgrounds*
2. *Trails*
3. *Soccer*
4. *Baseball/Softball Fields*
5. *Splash Pad/Outdoor Recreational Swim*
6. *Pavilions*
7. *Fresh Water Aquatic Recreation*
8. *Picnic Area*

#### Indoor Recreation Facilities – Proposed

1. *Meeting Rooms/Classrooms*
2. *Swimming/Aerobics Pool*
3. *Basketball*
4. *Yoga/Tai Chi/Aerobics*
5. *Senior Activities*
6. *Exercise Facilities*
7. *Badminton*
8. *Chess/Checkers/Cards*

*MOTION:* *Councilmember Rios moved to accept the recommendations from the Parks Advisory Board concerning the Annual Parks, Recreation, Open Space & Trails Master Plan Annual Report for 2012. Councilmember Cano seconded the motion. The motion carried with 7 ayes and 0 nays.*

*Mayor Holland resumed with the order of the agenda at this point.*

- 11B3. Consideration and possible action of the first reading of an ordinance, granting a franchise to Allied Waste Services to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.

*Randy Barker, Internal Services Manager gave the staff presentation for items 11B3 through 11B8 at this point.*

*In February 2007, the Council directed staff to pursue franchise agreements with contractors who provide non residential garbage collection services within the city limits. Initial five year contracts expired at the end of June 2012. Staff contacted all known contractors within the City and no other changes were proposed to the contract, with the exception of an extension thru July 31, 2017. A franchise agreement with each of the contractors who provide services to multiple businesses in the city limits were presented to the Council for consideration. The franchise agreement provides the City with a payment of 10% of the gross revenues collected within the city limits. The agreements will be effective for five years, beginning July 1, 2012. Payments will be deposited to the General Fund and will be used towards street maintenance expenditures.*

*MOTION: Councilmember Cano moved to approve the first reading of the ordinance, granting a franchise to Allied Waste Services to engage in the collection of specified waste materials from non-residential establishments within the City. Councilmember Prince seconded the motion. The motion carried with 7 ayes and 0 nays.*

- 11B4. Consideration and possible action on the first reading of an ordinance, granting a franchise to Texas Disposal Systems to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.

*MOTION: Councilmember Prince moved to approve the first reading of the ordinance granting a franchise to Texas Disposal Systems to engage in the collection of specified waste materials from non-residential establishments within the City. Councilmember Yeste seconded the motion. The motion carried with 7 ayes and 0 nays.*

- 11B5. Consideration and possible action on the first reading of an ordinance, granting a franchise to Al Clawson Disposal, Inc. to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.

*MOTION: Councilmember Rios moved to approve the first reading of the ordinance granting a franchise to Al Clawson Disposal, Inc. to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas. Councilmember Smith seconded the motion. The motion carried with 7 ayes and 0 nays.*

- 11B6. Consideration and possible action on the first reading of an ordinance, granting a franchise to Waste Management of Texas, Inc. to engage in the collection of

specified waste materials from non-residential establishments within the City of Hutto, Texas.

*MOTION: Councilmember Smith moved to approve the first reading of the ordinance granting a franchise to Waste Management of Texas, Inc. to engage in the collection of specified waste materials from non-residential establishments within the City. Councilmember Prince seconded the motion. The motion carried with 7 ayes and 0 nays.*

- 11B7. Consideration and possible action on the first reading of an ordinance, granting a franchise to IESI Corporation to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.

*MOTION: Councilmember Rios moved to approve the first reading of the ordinance granting a franchise to IESI Corporation to engage in the collection of specified waste materials from non-residential establishments within the City. Councilmember Smith seconded the motion. The motion carried with 7 ayes and 0 nays.*

- 11B8. Consideration and possible action on the first reading of an ordinance, granting a franchise to Central Texas Refuse, Inc. to engage in the collection of specified waste materials from non-residential establishments within the City of Hutto, Texas.

*MOVED: Councilmember Yeste moved to approve the first reading of the ordinance granting a franchise to Central Texas Refuse, Inc. to engage in the collection of specified waste materials from non-residential establishments within the City. Councilmember Prince seconded the motion. The motion carried with 7 ayes and 0 nays.*

#### RESOLUTIONS:

- 12A1. Consideration and possible action on a resolution authorizing the Mayor to execute the Employer Application for Insurance to allow for the City of Hutto to obtain Life, AD&D, short term disability, long term disability and supplemental insurance from Lincoln Financial Group.

*Randy Barker, Internal Services Manager and Amy McGlothlin, Human Resources Director gave the staff presentation. In October 2005, the City of Hutto selected UNUM as its provider for group life, AD&D and disability insurance. After conversations with our consultant Holmes Murphy & Associates, staff decided to bid group life, AD&D and disability coverage to see what plan options and plan rates were available with other providers Staff prepared a Request for Proposal requesting insurance providers to submit proposals in search of more competitive rates and plans. The Benefits Committee and Holmes Murphy & Associates reviewed and discussed the 20 plan options and rates received from the firms that responded. The proposal from Lincoln Financial Group included the lowest rate and offered a better plan compared to our current group life, AD&D and disability plan and all other proposals. The Lincoln Financial Group rate will save the city approximately \$16,658 from our current rates for group life, AD&D and disability insurance.*

MOVED: Councilmember Rios moved to approve the resolution authorizing the Mayor to execute the Employer Application for Insurance to allow for the City to obtain Life, AD&D, short term disability, long term disability and supplemental insurance from Lincoln Financial Group. Mayor Pro-tem Quintanilla-Perez seconded the motion. The motion 7 carried with 7 ayes and 0 nays.

12A2. Consideration and possible action on a resolution authorizing the Mayor to execute the Employer Application for Insurance to allow for the City of Hutto to obtain vision insurance from Block Vision.

Randy Barker, Internal Services Manager and Amy McGlothlin, Human Resources Director gave the staff presentation. After conversations with the City's consultant, Holmes Murphy & Associates, staff decided to bid employee vision coverage to see what plan options and plan rates were available with other providers. Staff prepared a Request for Proposal requesting insurance providers to submit proposals in search of more competitive rates and plans. The Benefits Committee reviewed all proposals with Holmes Murphy & Associates and discussed all plan options and rates. The Block Vision proposal included the lowest rate and offered a better plan compared to our employee vision plan and all other proposals. Block Vision proposed a rate of \$6.76 per month for employee vision coverage compared to our current rate of \$14.51 per month with Guardian. The Block Vision rate will save the city's employees approximately \$5,649 from our current rates for employee vision coverage.

MOTION: Councilmember Cano moved to approve the resolution authorizing the Mayor to execute the Employer Application for Insurance to allow for the City to obtain vision insurance from Block Vision. Councilmember Prince seconded the motion. The motion carried with 7 ayes and 0 nays.

12A3. Consideration and possible action on a resolution authorizing the Mayor to execute the Employer Application for Insurance to allow for the City of Hutto to obtain medical insurance from BlueCross BlueShield of Texas.

Randy Barker, Internal Services Manager and Amy McGlothlin, Human Resources Director gave the staff presentation. In September 2010, the City of Hutto selected BlueCross BlueShield of Texas as its provider for medical insurance. After discussions with the City's consultant, Holmes Murphy & Associates, staff decided to bid group medical coverage to see what plan options and plan rates were available with other providers. City staff prepared a Request for Proposal requesting insurance providers to submit proposals in search of more competitive rates and plans. The City received responsive proposals from United Healthcare, BlueCross/BlueShield, Texas Municipal League and Scott & White. The Benefits Committee reviewed all proposals with Holmes Murphy & Associates and discussed all plan options and rates. BlueCross BlueShield of Texas proposal included the lowest rate and offered a better plan compared to our current group medical plan and all other proposals. BlueCross BlueShield of Texas proposed a rate of \$266.57 for employee medical coverage compared to our current rate of \$301.89. The BlueCross BlueShield of Texas rate will save the city approximately \$30,516 from our current rates for group medical coverage.



*MOTION:* Councilmember Cano moved to approve the resolution that authorizes the Mayor to execute the Employer Application for Insurance to obtain medical insurance from BlueCross BlueShield of Texas. Mayor Pro-tem Quintanilla-Perez seconded the motion. The motion carried with 7 ayes and 0 nays.

Mayor Holland dispensed with the order of the agenda and addressed the next item because it was a part of items 12A1, 12A2, and 12A3.

- 12A7. Consideration and possible action on a resolution authorizing the Mayor to execute the Employer Application for Insurance to allow for the City of Hutto to obtain dental insurance from Lincoln Financial Group.

Randy Barker, Internal Services Manager and Amy McGlothlin, Human Resources Director gave the staff presentation. In September 2010, the City of Hutto selected Fort Dearborn National as its provider for dental insurance. After conversations with the City's consultant, Holmes Murphy & Associates, staff decided to bid group dental coverage to see what plan options and plan rates were available with other providers. Staff prepared a Request for Proposal requesting insurance providers to submit proposals in search of more competitive rates and plans. The Benefits Committee reviewed all proposals with Holmes Murphy & Associates and discussed all plan options and rates. The Lincoln Financial Group proposal included the lowest rate and offered a better plan compared to our current group dental plan and all other proposals. The Lincoln Financial Group proposed a rate of \$25.98 per employee per month for employee dental coverage compared to the Fort Dearborn National renewal rate of \$29.19 per employee per month.

*MOTION:* Councilmember Cano moved to approve the resolution that authorizes the execution of the Employer Application for Insurance to obtain dental insurance from Lincoln Financial Group. Councilmember Rios seconded the motion. The motion carried with 7 ayes and 0 nays.

- 12A4. Consideration and possible action on a resolution amending the 2030 Hutto Strategic Guide and revising the City's Vision and Mission Statements.

*This item was withdrawn from the agenda.*

- 12A5. Consideration and possible action on a resolution of support for the location of a grocery store within the City of Hutto.

David Mitchell gave the staff presentation. Currently, there is not a grocery store located in Hutto. The number one priority identified by the citizens of Hutto in both the 2008 and 2012 Citizen Surveys was the addition of a grocery store in Hutto. Knowing that, the City has worked and is working very hard to attract grocers to the Hutto community. This resolution will be provided to the major grocery chains.

The Council discussed the resolution and asked that additional information be included in the resolution regarding Hutto's population percentage growth.

*MOTION: Mayor Pro-tem Quintanilla-Perez moved to approve the resolution of support for the location of a grocery store within the City of Hutto. Including the addition of Hutto's population statistics to the resolution. Councilmember Smith seconded the motion. The motion carried with 7 ayes and 0 nays.*

- 12A6. Consideration and possible action on a resolution authorizing participation in the Texas Main Street Program and designating the City Manager to coordinate program activities.

*This item was addressed earlier in the meeting.*

- 12A7. Consideration and possible action on a resolution authorizing the Mayor to execute the Employer Application for Insurance to allow for the City of Hutto to obtain dental insurance from Lincoln Financial Group.

*This item was addressed earlier in the meeting.*

- 12B1. Consideration and possible action on a resolution adopting the Fiscal Year 2013 – 2017 Capital Improvements Plan.

*Matt Bushak, City Engineer gave the staff presentation. He outlined the following points. He reported that on July 10<sup>th</sup> the Planning and Zoning Commission recommended approval of the CIP. The recommendations were as follows:*

*Planning and Zoning Recommendations*

- *Transportation and Drainage:*
  - *Make the Live Oak Street Reconstruction project a priority over the Metcalfe Street Reconstruction project.*
  - *Move the FM 1660 North Sidewalk project to immediate status.*
- *Future Horizon:*
  - *Add the one block of Farley Street (between West Street and Short Street).*
- *- Add Skate Park*

*Mr. Bushak gave an overview of the following projects in the CIP.*

- *Parks and Recreation*
- *Facilities*
- *Water*
- *Wastewater*
- *Transportation and Drainage*

*The Council had no questions or amendments to the CIP.*

*MOTION: Councilmember Prince moved to adopt the Fiscal Year 2013 – 2017 Capital Improvements Plan with the recommendations from the Planning and Zoning Commission and to delay the Metcalfe improvements one year. (2bottom as stated) Councilmember Yeste seconded the motion. The motion carried unanimously.*

OTHER BUSINESS

- 13A1. Consideration and possible action concerning appointments to fill an unexpired terms on the Planning and Zoning Commission and Zoning Board of Adjustments.

*This item was withdrawn from the agenda.*

- 13B1. Consideration and possible action regarding the recommendation from the Parks Advisory Board concerning the Annual Parks, Recreation, Open Space & Trails Master Plan Annual Report for 2012.

*This item was addressed earlier in the meeting.*

## WORK SESSION

*The work session was conducted for information or educational purposes. No action was taken by the Council on items listed.*

- 14A1. Discussion regarding signage at the entrance to the Cottonwood Creek Subdivision.

*This item was addressed earlier in the meeting.*

- 14B1. Discussion regarding the Utility System FY 2012-13 Budget.

*Micah Grau, Assistant City Manager gave the staff presentation. He outlined the following information.*

### Utility Budget Overview Highlights

- Budget Theme: Service!*
- Limited growth*
- Base budgets remaining flat*
- 2% average market adjustment included*
- Insurance benefit savings*
- Paperless Budget*

*He added that the Utility Fund is a proprietary fund used to account for the City's business-like operations including the provision of water and wastewater service.*

*It is operated like a business, expenses are covered by user fees and development fees (impact and connection fees), and it is not tax supported. There are 65 miles of water lines, 40 miles of wastewater lines, 5 lift stations, 4 water storage sites that are maintained.*

### Hot Topics

- *Utility Rates (rate study underway)*
- *Impact Fee Update*
- *Wastewater treatment capacity*
- *New Debt for Capital Projects*

*Scot Stromsness, Public Works Director outlined the accomplishments, objectives, budget changes, and proposed budget for the Water Division and Wastewater Division.*

*Micah Grau gave an overview of the following,*

- *Utility Capital Projects*
- *Utility Debt Service Fund*
- *2013 Certificate of Obligation*
- *Impact Fee Fund*
- *Utility Capital Replacement Fund*
- *Budget Calendar*

EXECUTIVE SESSION

15A. *There were no executive session items scheduled.*

ACTION RELATIVE TO EXECUTIVE SESSION

16A. *There were no executive session items scheduled.*

ADJOURNMENT

*There being no further business, the meeting adjourned at 11:41 p.m.*

CITY OF HUTTO

\_\_\_\_\_  
Debbie Holland, Mayor

ATTEST:

\_\_\_\_\_  
Christine Martinez, City Secretary

# **CITY OF HUTTO CITY COUNCIL AGENDA**

**AGENDA ITEM NO.:** 11A1.

**AGENDA DATE:**

August 16, 2012

**PREPARED BY:** Peter Scheets, Chief of Police

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**APPROVED BY:** David R. Mitchell

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David Mitchell, City Manager

**ITEM:** Consideration and possible action on the first reading of an ordinance, deleting Chapter 4, Article 4.02, of the Code of Ordinances, regarding Peddlers and Itinerant Vendors in its entirety and replacing said section with a new Section 4.02.

**STRATEGIC GUIDE POLICY:** Growth Guidance Plan, Economic Development, Public Safety

## **ITEM BACKGROUND:**

This ordinance was revised in an effort to clearly define the various categories of merchants (peddlers, solicitors, itinerant vendors, mobile vendors, and other vendors) and establish permit processes specific to each category. The ordinance provides a process and guidelines for the categories of Peddlers/Solicitors, Itinerant Vendors/Mobile Vendors as well as Other Vendors. Division 1 (Peddlers/Solicitors) defines "peddlers" and "solicitors" and describes permit requirements, the application process, associated fees, as well as the denial and revocation process. Division 2 (Itinerant Vendors/Mobile Vendors) provides clear definitions of "itinerant vendors" and "mobile vendors" and describes their permit requirements, application process, associated fees, and the process for permit denial, revocation, and reinstatement. Division 3 provides for "other street vendors".

**BUDGETARY AND FINANCIAL SUMMARY:**

Not Applicable.

**RELATED ADVISORY BOARD RECOMMENDATIONS:**

Not Applicable.

**CITY ATTORNEY REVIEW:**

The City Attorney has drafted and reviewed the attached ordinance for the Council's consideration.

**STAFF RECOMMENDATION:**

Not Applicable.

**ORDINANCE NO.**

**AN ORDINANCE DELETING CHAPTER 4, ARTICLE 4.02, CODE OF ORDINANCES, CITY OF HUTTO, TEXAS, REGARDING PEDDLERS AND ITINERANT VENDORS IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 4.02; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:**

**I.**

That Chapter 4, Article 4.02, Peddlers and Itinerant Vendors, Section 4.02.001 through Section 4.02.093, Code of Ordinances, City of Hutto, Texas, are hereby replaced in their entirety and shall read as follows:

**ARTICLE 4.02 PEDDLERS AND ITINERANT VENDORS**

**Division 1. Peddlers**

**Sec. 4.02.001            Definitions**

For the purpose of this article the following terms shall have the following meanings:

Peddler - means any person who engages in commercial activities within the City limits by carrying goods or merchandise and selling or offering for sale for immediate delivery such goods or merchandise from door to door.

Solicitor - means any person who solicits or attempts to solicit, from door to door, funds or orders for services, commercial goods, wares, merchandise, subscriptions or publications to be delivered at a future date or time.

**Sec. 4.02.002            Violations and Penalties**

Any person who violates or fails to comply with the provisions of any section of this article is guilty of a class "C" misdemeanor and upon conviction shall be punishable by a fine as provided in the general penalty section (1.01.009) of this code.

Any peddler or solicitor who enters upon property owned, leased, or controlled by another and willfully refuses to leave the property, after receiving notification to leave from the owner, leaser, or person controlling the property, shall be guilty of a misdemeanor criminal trespass and upon conviction shall be fined as provided in the Texas Penal Code.

#### **Sec. 4.02.003            Time and Location Restrictions**

No peddler or solicitor may conduct activities defined in this article, without prior invitation or appointment with the occupant of the premises, before 8:00 a.m. and after 9:00 p.m. on any day.

No peddler or solicitor may peddle or solicit in the public streets or from medians in the streets, within the City limits, or in any way block, obstruct, or unduly hinder passage on public streets within the City limits.

#### **Sec. 4.02.004            Permit Required**

Except as provided under permit exemptions, it shall be unlawful for any peddler or solicitor to engage in business as defined in this article within the incorporated city limits without first obtaining a permit from the City of Hutto.

#### **Sec. 4.02.005            Permit Exemptions**

The following are excluded from permitting provisions:

- (1)    Persons distributing nonprofit pamphlets, handbills, or other printed material for the purpose of disseminating news or other information of public interest;
- (2)    Persons conducting fundraising activities for local nonprofit organizations, qualified civic organizations, or educational institutions;
- (3)    Persons conducting proselytizing activities or distributing religious material or literature;
- (4)    Persons engaged in a business or activity regulated under the exclusive authority of the state or federal government;
- (5)    Persons engaged in business activity and going to a house or business at the express invitation of the occupant or owner of such house or business.
- (6)    Canvassers who attempt only to distribute not for profit handbills or to solicit political support or to determine opinions or sentiments.

Persons who are exempt from the permitting requirements are encouraged to notify the City of the approximate dates of the door-to-door activities, and the areas in which they will be working.



#### **Sec. 4.02.006            Permit Application**

Any peddler or solicitor desiring to engage in activities as a peddler or solicitor within the City must file a written application for permit with the City Manager of his/her designee, each applicant shall provide the following information:

- (1) Applicant's name, telephone number, home address, birth date, physical description, finger or thumbprint, criminal history check from the Texas Department of Public Safety, and either: Driver's license number and state, or government issued picture identification card;
- (2) A complete Department of Public Safety (DPS) criminal history, issued within ninety (90) days of the date of application, for the applicant and each individual involved in the peddling or solicitation campaign.
- (3) For each individual involved in the peddling or solicitation campaign: name, telephone number, address, birth date, physical description, and either: Driver's license number and state, or government issued picture identification card;
- (4) If the applicant is peddling or making solicitations for any commercial, charitable or political organization, the name, telephone number and address of such organization;
- (5) Full and complete list of goods to be sold and/or services to be delivered;
- (6) Description (year, make, model, color and type) and license plate number and state of all vehicles to be used in soliciting and peddling.
- (7) A copy of the applicant's state limited sales and use tax permit.

Applicant must provide original identifying documents to the City Manager of his/her designee upon request.

#### **Sec. 4.02.007            Permit Fees**

All peddlers and solicitors not exempted by this ordinance shall pay a permit fee to the City of Hutto of \$25.00 for an individual or any group of individuals.

#### **Sec. 4.02.008            Permit Fee Exemptions**

The following are exempt from the permit fee:

- (1) Any individual soliciting or peddling for a philanthropic, charitable, political or religious organization;

- (2) Any individual engaged in interstate commerce.

#### **Sec. 4.02.009 Denial of Permit**

A copy of the application for permit will be referred to the Hutto Police Services Department who will undertake an investigation of the applicant's record and background, such as shall be reasonably necessary to protect the public. An application for permit under this chapter may be denied where:

- (1) Required application information is incomplete or incorrect;
- (2) Applicant is currently wanted on warrant for arrest.
- (3) Applicant has been convicted of any offense reportable by the City to the Texas Department of Public Safety or the Federal Bureau of Investigation under "Index Crimes" Part I or other law enforcement reporting system (e.g. murder, non-negligent manslaughter, sexual assault, aggravated assault, robbery, burglary, theft, and motor vehicle theft).

If the City Manager denies a permit, applicant may appeal this decision in writing to the City Council, which may affirm, modify or reverse the decision of the City Manager.

#### **Sec. 4.02.0010 Permit Issuance and Permit Duration**

If the City Manager finds that the application is completed and in conformance with the provisions of this ordinance, a permit shall be issued within ten (10) working days. Each permit will be valid for thirty (30) days from date of issue.

Only those peddlers or solicitors whose names are listed on the approved application may conduct business under the issued permit. If any new peddlers or solicitors join the campaign after the original permit is issued, they must supply updated personal information required in the original application to the City Manager.

#### **Sec. 4.02.0011 Permit Display**

Each peddler or solicitor will prominently display his/her permit at all times while engaging in business in the City of Hutto.

#### **Sec. 4.02.0012 Permit Non-Transferable**

Permits issued under the provisions of this chapter are not transferable in any situation and will be clearly marked "Not Transferable."

#### **Sec. 4.02.0013          Permit Suspension**

The City Manager or his/her designee may, upon documented complaint or violation of law, suspend and confiscate a permit issued under this chapter.

Peddlers and solicitors whose permits are suspended have three business days during which to request an administrative review of the suspension. If request for administrative review is not made within three working days, the permit is revoked.

#### **Sec. 4.02.0014          Permit Revocation**

Upon request, the City Manager shall provide the revoked peddler or solicitor with written notice containing particulars of any and all complaints against him/her, and the time, date and place for an administrative review of the suspension.

The City Manager will conduct an administrative review to determine whether the permit shall be restored or revoked.

After notice and review, the City Manager may revoke any permit issued under this chapter for the following reasons:

- (1) Fraudulent statements, omissions on permit application or in conduct of permitted business;
- (2) Violation of law;
- (3) Endangerment of public welfare, health or safety.

If the City Manager revokes a permit, applicant may appeal this decision in writing to the City Council, which may affirm, modify, or reverse the decision of the City Manager.

Revocation of a permit shall bar the peddler or solicitor from eligibility for any person under this chapter for a period of one year.

#### **Sec. 4.02.0015          No Soliciting Signs**

Any peddler or solicitor who conducts or attempts to conduct business at a place where a sign clearly indicates that solicitors or peddlers are unwelcome is in violation of this chapter.

#### **Secs. 4.02.016–4.02.060          Reserved**

## **Division 2. Itinerant Vendors/Mobile Street Vendors**

### **Sec. 4.02.061 Definitions**

For the purpose of this article the following terms shall have the following meanings:

Commodity - means goods, wares, or merchandise including but not limited to: fruits, vegetables, farm products or provisions, dairy products, pets, animals, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household or garden items or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks. Nothing in this Chapter shall allow the exhibiting, display or sale of any merchandise that is indecent, profane, obscene, or vulgar.

Historic Overlay District - means the area inside of the 1911 incorporated boundaries of the City of Hutto including the City of Hutto Co-Op property.

Interstate Commerce - means soliciting, selling, or taking orders, or offering to take orders, for any Commodity or services which, at the time the order is taken, are in or will be produced in any federal district or territory, any commonwealth, or any state other than the State of Texas, and shipped or introduced into this city in the fulfillment of such orders.

Itinerant Vendor - means any person who exhibits, displays, sells or offers for sale any commodity from a stand located on public or private property or on the streets of the City of Hutto. This definition does not include:

- (1) A door-to-door "peddler" or "solicitor" as defined in City of Hutto Code of Ordinances;
- (2) Activities authorized by a "Special Event Permit" issued pursuant to the City of Hutto Code of Ordinances;
- (3) "Temporary Use Permit" pursuant to the City of Hutto Unified Development Code; and
- (4) Persons selling agricultural products, which are raised or produced by them, within the Hutto Farmers' Market.

Stand - means the ground, or any place, showcase, table, bench, rack, handcart, pushcart, stall, booth, vehicle or any other fixture or device or thing that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any commodity.

Street - means all areas legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way.

Business - means the purchase and sale of goods in an attempt to make a profit.

Mobile Street Vendors - Persons who offer food or drink or other commodities for sale from a motor vehicle or any other conveyance in a public place.

Motor Vehicle - Every motor vehicle or any other conveyance used to vend food or drink on city streets.

Operator - Any person, firm or corporation who owns, leases, contracts or in any other manner operates or permits a person to operate upon the city streets any motor vehicles for the purpose of vending as herein defined.

Vend or Vending - Offering food or drink for sale from a motor vehicle on the city streets.

Street - means all areas legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way.

#### **Sec. 4.02.062            Applicability**

The special provisions set forth in this division shall apply to mobile street vendors and operators as herein defined and shall supersede any conflicting provisions found elsewhere in the city code.

#### **Sec. 4.02.063            Violation and Penalty**

Any person who violates or fails to comply with the provisions of any section of this article is guilty of a class "C" misdemeanor and upon conviction shall be punishable by a fine as provided in the general penalty section 1.01.009 of this code.

A peace officer may impound a vehicle used for the sale of a commodity which is placed, parked, or maintained on a street in violation of this article.

#### **Sec. 4.02.064            Itinerant Vendor Time Restrictions**

No itinerant vendor may conduct business activities defined in this article, without prior invitation or appointment with the occupant of the premises, before 9:00 a.m. and after 8:00 p.m. on any day.

#### **Sec. 4.02.065            Itinerant Vendor Location Regulations and Restrictions**

The following rules and regulations shall be complied with by each Itinerant Vendor. It shall be unlawful for any Itinerant Vendor to sell or attempt to sell any commodity:

- (1) By means of any outcry, sound, speaker or amplifier, or any instrument, or device which can be heard for a distance greater than three hundred feet;
- (2) In any manner that distracts drivers, such as by displaying fluttering, undulating, rotating, spinning or waving devices, whether or not such devices are for sale;

- (3) Within 1,000 feet of a hospital, college, elementary school, middle school or high school;
- (4) Inside the boundaries of the Historic Overlay District without warrant approval by the Historic Preservation Commission.
- (5) In such a way that pedestrian or motor vehicle traffic is obstructed;
- (6) In such way that obstructs traffic signals or regulatory signs;
- (7) Having signage that is not in compliance with the provisions of Section 10 of the Unified Development Code; or
- (8) In such a place or in a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to city vehicles, including emergency and sanitation vehicles.

**Sec. 4.02.066 Permit Required**

It shall be unlawful for any itinerant vendor or mobile street vendor to engage in business as defined in this article within the incorporated city limits without first obtaining a permit from the City of Hutto.

**Sec. 4.02.067 Permit Application**

Any person desiring to engage in activities as an itinerant vendor or mobile street vendor within the City must file a written application for permit with the City Manager or his/her designee at least twenty-one (21) days prior to the initial contemplated sale or exhibit. Each applicant shall provide the following information:

- (1) Full name and address of the itinerant vendor, including current telephone number;
- (2) Proof of identity, including date of birth, a copy of a current driver's license or identification card and a recent photographic likeness of the applicant's face;
- (3) The location of the applicant's principal office and place of business;
- (4) If the applicant is employed by another, the names, dates of birth, and addresses of the person, firm, association, organization, company or corporation;
- (5) A complete Department of Public Safety (DPS) criminal history, issued within ninety (90) days of the date of application, for the applicant and each individual involved and/or the owners of the entity making the application, as well as for all

workers, helpers, employees, assistants, agents or other persons who will be on the site;

- (6) If a motor vehicle is to be used, a description of the vehicle together with the vehicle identification number and license plate number;
- (7) If the vending is to occur on private property, written proof of the property owner's permission must accompany the application, and must include a statement from the owner as to the exact dates and times that the applicant is allowed to conduct itinerant vendor activities on the owner's property; and
- (8) A statement detailing the type and character of the commodity to be sold, offered for sale or exhibited. Nothing in this Chapter shall allow the exhibiting, display or sale of any merchandise that is indecent, profane, obscene, or vulgar.
- (9) A copy of the applicant's state limited sales and use tax permit.
- (10) If the commodity being vended is food or drink, a copy of the Williamson County Cities and Health District permit.

#### **Sec. 4.02.068            Exempt classifications**

The provisions of this article concerning permit requirements shall not apply to persons who come within any of the following classifications:

- (1) Persons engaged in a business or activity which the state or federal government has exclusive authority to regulate.
- (2) Persons living in the city that hold a garage sale, in accordance with article 4.05.
- (3) Persons engaged in business activity at the express invitation of the occupant or owner of such house or business.
- (4) Individuals, who are engaged in, belonging to, or member of, an entity of the Hutto Independent School District; a qualified civic organization; 501 c 3 nonprofit organization; or religious organization, as determined by the Chief of Police, for the express purpose of fundraising, when no other permits are required. Determination of Chief of Police may be appealed to the City Council if written notice is filed with the City Secretary within ten days of said determination.
- (5) Governmental entities.

#### **Sec. 4.02.069                      Permit Fees and Duration**

The permit application shall be accompanied by fees for each vehicle or stand used in vending in accordance with the following fee schedule:

- (1)     14 day permit: \$25.00 fee
- (2)     30 day permit: \$35.00 fee
- (3)     90 day permit: \$75.00 fee
- (4)     180 day permit: \$100.00 fee

No fee shall be charged to any bona fide certified charitable, religious, educational, or philanthropic organization, or persons engaged in interstate commerce.

#### **Sec. 4.02.070                      Historic Overlay District**

180 days for Itinerant vendors and vendors operating out of a trailer, as defined by the Texas Transportation Code, within the designated vendor zone within the Historic Overlay District, or until revoked under the provisions of this article.

#### **Sec. 4.02.071                      Permit Review**

Upon receipt of a completed application and fees, the City Manager or his/her designee shall review the application and consider the issuance of a permit authorizing the sale, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof, in the city for a period not to exceed one hundred and eighty (180) days. The permit is not transferable or assignable. The itinerant vendor permit or mobile street vendor permit must be conspicuously displayed at all times during the operation of the vending business. A person commits an offense under this Chapter if the person fails to display the itinerant vendor permit or mobile street vendor permit to a peace officer or code enforcement officer during the time the person is operating at the permitted location.

#### **Sec. 4.02.072                      Denial of Permit**

The City Manager or his/her designee may not issue a permit under this section unless the City's Engineer (or his/her designee) has reviewed the request for a permit and determines that the proposed location:

- (1)     Has been approved by the Texas Department of Transportation Engineer if the location involves a right-of-way covered by a state-city maintenance agreement;
- (2)     Has been the site of more than three motor vehicle accidents during the 12-month period immediately preceding the date of the application;



- (3) Has a turnout, curbside parking, or other parking space available that may be used to transact a sale;
- (4) Is not expected to cause excessive vehicle delays, vehicle surges, or lane changes;
- (5) Has customary street traffic volumes that do not significantly impede the flow of vehicular traffic;
- (6) Complies with the provisions of Section 552.007 (Solicitation by Pedestrians) of the Texas Transportation Code and Section 42.03 (Obstructing Highway or Other Passageway) of the Texas Penal Code;
- (7) Is not expected to cause or significantly contribute to street congestion or make access to abutting public or private property unreasonable inconvenient or hazardous; or
- (8) Is not expected to impede the flow of street traffic to make the use of the Street unreasonably inconvenient or hazardous.
- (9) If other permits are issued for that location for the same time period(s), and whether the applicant failed to pay any outstanding debts fines, or fees owed to the City or a Consumer.

#### **Sec. 4.02.073            Permit Renewal**

A permit may be renewed, provided an application for renewal and permit fees are received by the City no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. The City Manager or his/her designee shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of this Chapter, shall issue a new permit.

#### **Sec. 4.02.074            Permit Suspension and Revocation**

In addition to the penalties contained herein, any permit issued under this Article may be suspended or revoked for any of the following reasons:

- (1) Fraud, misrepresentation or knowingly making a false statement in the application for the permit;
- (2) Fraud, misrepresentation or knowingly making a false statement in the course of carrying on the business of vending;
- (3) Refusing to fully reimburse consumer if provided with timely notice of the consumer's intent to cancel the transaction and return of the commodity;

- (4) Conducting the business of vending in any manner contrary to the conditions of the permit or this Chapter;
- (5) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners; or
- (6) Violating any other applicable City of Hutto Code of Ordinances provision.

The City Manager or his/her designee shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the permitted Itinerant Vendor or mobile street vendor permit of the right to appeal. Such notice shall be mailed to the address on the Itinerant Vendor application by certified mail, return receipt requested, or presented in person or via hand delivery to the Itinerant Vendor.

If the City revokes an itinerant vendor permit or mobile street vendor permit, the fee already paid shall be forfeited. A person whose permit has been revoked under this Chapter may not apply for a new permit for a period of one year from the date that the revocation took effect.

#### **Sec. 4.02.075                    Mobile Street Vendors' Special Requirements**

Mobile street vendors shall be required to comply and it shall be an offense not to comply with any of the following special requirements:

- (1) A person shall vend only when the motor vehicle is lawfully stopped.
- (2) A person shall vend only from the side of the motor vehicle away from moving traffic and as near as possible to the curb or side of the street.
- (3) A person shall not vend to a person standing in the roadway.
- (4) A person shall not stop on the left side of a one-way street to vend.
- (6) A person shall not stop in a congested area where vending might impede or inconvenience the public.
- (7) A person shall not vend in a street adjacent to a public school.
- (8) A person shall not stop a motor vehicle for purposes of vending within one hundred (100) feet of a street intersection.
- (9) No mobile street vendor shall be in operation, doing business, or going from place to place before 7:00 a.m. or after 8:00 p.m. A violation of this subsection shall be a misdemeanor offense.

- (10) A mobile food vendor shall not use any outcry, sound, speaker or amplifier, or any instrument, or device which can be heard for a distance greater than three hundred feet.

**Sec. 4.02.076 Conclusive Police Judgment**

For purposes of this division, the judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced or a stop is for a temporary or stationary period of time.

**Secs. 4.02.077–4.02.090 Reserved**

**Division 3. Other Street Vendors**

**Sec. 4.02.091 Applicability**

The special provisions set forth herein shall apply to other street vendors as herein defined and shall supersede any conflicting provisions found elsewhere in the city code.

**Sec. 4.02.092 Suspension and Revocation Appeal**

If the City Manager or his/her designee denies the issuance of a permit, suspends or revokes a permit, or orders the cessation of any part of the business operation conducted under the permit, the aggrieved party may appeal the decision in writing to the City Council within three business days of the action. If a request for an appeal is not made within three business days, the decision becomes final.

The filing of an appeal stays the action of the City Manager in suspending or revoking a permit or any part of the business operation being conducted under such permit until the City Council makes a final decision, unless the City Manager determines that continued operation of the vending business constitutes an imminent and serious threat to the public health or safety, in which case the City shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation or order.

**Sec 4.02.093 Reserved**

**II.**

**A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

**B.** The invalidity of any section or provision of this ordinance shall not invalidate

other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

**READ, PASSED, and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2012.

Alternative 2.

**READ and APPROVED** on first reading this the \_\_\_\_ day of \_\_\_\_\_, 2012.

**READ, APPROVED and ADOPTED** on second reading this the \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Debbie Holland, Mayor  
City of Hutto, Texas

ATTEST:

\_\_\_\_\_  
Christine Martinez, City Secretary

# **CITY OF HUTTO CITY COUNCIL AGENDA**

**AGENDA ITEM NO.:** 12A1.

**AGENDA DATE:**

August 16, 2012

**PREPARED BY:** Patti Gilmore, Executive Assistant to the City Manager

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**APPROVED BY:** David R. Mitchell

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David Mitchell, City Manager

**ITEM:** Consideration and possible action on a resolution establishing a Marketing Plan Task Force to act in an advisory capacity to the City Council regarding recommendations for a comprehensive marketing plan for the Hutto Community.

**STRATEGIC GUIDE POLICY:** Economic Development Policy

## **ITEM BACKGROUND:**

One of the strategic goals set forth by the Council in their Strategic Plan 2030, the Economic Development Policy, is to encourage business development. Community engagement in civic affairs has been a long standing community value. Additionally, wide-ranging quality community involvement has been identified as a important element in the process of developing a comprehensive marketing plan. Council has expressed a desire for community input and involvement to assist in our community growth through a comprehensive marketing plan.

## **BUDGETARY AND FINANCIAL SUMMARY:**

The Task Force shall identify various platforms to be included in the marketing plan

and prepare an executive summary as a final report to the Council of their findings and recommendations. Budget needs will be identified and considered at the time of the summary review.

**RELATED ADVISORY BOARD RECOMMENDATIONS:**

Not applicable.

**CITY ATTORNEY REVIEW:**

The City Attorney has approved the process as to form.

**STAFF RECOMMENDATION:**

Staff recommends that the Council approve the resolution with the exhibit, and have staff proceed in the process of establishing the Marketing Task Force. Ask Selection Committee to meet to review nominees and make their member selection.

## **RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF HUTTO CREATING A MARKETING TASK FORCE TO ACT IN AN ADVISORY CAPACITY TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING A COMPREHENSIVE MARKETING PLAN FOR THE HUTTO COMMUNITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, community engagement in civic affairs is a longstanding community value;  
and

**WHEREAS**, wide-ranging and quality community involvement has been identified as a important element in the process of developing a comprehensive marketing plan; and

**WHEREAS**, the Hutto City Council desires community input and involvement and recognizes the need for a comprehensive marketing plan to assist in our community growth; and

**WHEREAS**, a Selection Committee will recommended 8 - 12members for the formation of the Marketing Plan Task Force; and

**WHEREAS**, through public forums and other public venues, the Marketing Task Force will seek public input in the process of developing a comprehensive marketing plan;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:**

1. A Marketing Plan Task Force ("Task Force") is created which shall:
  - (a) consist of a group of experts, knowledgeable leaders, consensus builders, and good decision makers who are representative of and respected in our community;
  - (b) serve as a volunteer group and in an advisory capacity to the city council;
  - (c) work with a local university or college and City staff in the overall development of a comprehensive marketing plan for the Hutto community;
  - (d) seek public input and involvement in the collaborative process and help the community identify and articulate a common theme for Hutto to help guide our City's growth into the future;
  - (e) champion the planning process through a commitment to and excitement for such a plan for our community;
  - (f) identify various platforms to be included in the marketing plan;
  - (g) prepare an executive summary as a final report to the City Council of their findings and recommendations.
2. The Task Force shall:

- (a) consist of 8 - 12 members who live, own property, own a business or work within the corporate limits of the City of Hutto or its extraterritorial jurisdiction; and to achieve diversity, additional members may be considered by the Council;
  - (b) include representatives from the various other agencies within the city that have a common interest in this marketing plan;
  - (c) be recommended by the Selection Committee and appointed by Council.
3. Guidelines have been established as set forth in Exhibit "A" attached hereto.
  4. A quorum for the conduct of business is a majority of its appointed members.
  5. The Task Force shall be dissolved on the earlier of 24 months from the effective date of this resolution or on the date that the Council adopts a comprehensive marketing plan.

**BE IT FURTHER RESOLVED:**

The City Manager shall provide any necessary resources and appoint a city staff liaison as administrative assistance to the Task Force.

**RESOLVED THIS THE 16<sup>th</sup> DAY OF AUGUST, 2012.**

City of Hutto, Texas

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Debbie Holland, Mayor

ATTEST:

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Christine A. Martinez, City Secretary



## The Marketing Task Force

The goal of the Marketing Task Force is to assist in the development of a comprehensive marketing plan for the Hutto community by identifying various components to be included in an overall plan. Some components include, but are not limited to:

- Shop Local
- Special Events Promotion
- Visitors' Bureau
- Hutto EDC (attracting jobs)
- Retail attraction
- Branding
- Main Street Program
- Blue Ribbon Committee
- Marketing neighborhoods

The task force shall also identify strategies for marketing any and all components for which the task force deems as appropriate for marketing. Creation of campaigns and creative materials are the responsibility of the City staff under the direction of the City Manager. The Task Force will function in an advisory capacity only, preparing a final executive summary and making a recommendation to the Hutto City Council of their findings and conclusions.

Duration:	24 months
Start Date:	October 1, 2012
Estimated End Date:	September 30, 2014
Meeting:	Monthly or more if necessary
Task Force Established by:	Hutto City Council

Number of members appointed by the Hutto City Council: 8 – 12

A City staff person will act as administrative support and as liaison to the City Manager. Members will be selected by a Selection Committee made up of 3 council members. A list of nominees, prepared by city staff, will be submitted to the Selection Committee. The list will consist of experts, knowledgeable leaders, consensus builders, and good decision makers who are representative of and respected in our community. Other members will include representatives from the other agencies in our community and to achieve diversity, other members may be appointed. A Chairperson will be designated by the Council.

Qualifications: Task force members serve in a volunteer capacity and must be willing to devote the time necessary and serve the duration of the established period as set forth by the Resolution of the Council. Marketing and public relations background is a plus but not a requirement of service. Excitement and commitment to the work of the Task Force are important criteria.

Successive Terms:

N/A

Quorum:

Majority of the seated members

Primary Responsibilities:

- ❖ Assist in the development of any overall comprehensive marketing plan.
- ❖ Identify the various components to be included in the overall plan.
- ❖ Task force may obtain the assistance of a local university in their study.
- ❖ Public forums may be utilized for community input.
- ❖ Obtain data to support conclusions and recommendations.
- ❖ Report to the City Council every six months on the status of the Task Force findings.
- ❖ Prepare an executive summary for a final report of recommendations to the City Council.

# **CITY OF HUTTO CITY COUNCIL AGENDA**

**AGENDA ITEM NO.:** 14A1.

**AGENDA DATE:**

August 16, 2012

**PREPARED BY:** Micah Grau, Assistant City Manager

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**APPROVED BY:** David R. Mitchell

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David Mitchell, City Manager

**ITEM:** Work session on the development of the City's legislative agenda for the Texas 83rd Legislative Session.

**STRATEGIC GUIDE** Legislative Agenda  
**POLICY:**

## **ITEM BACKGROUND:**

City staff will present items of concern for the upcoming legislative session. Councilmembers will be asked to help prioritize concerns to help develop a draft agenda for city matters. We will then work with other community leaders to create a legislative agenda representative of the entire Hutto community.

## **BUDGETARY AND FINANCIAL SUMMARY:**

Not applicable.

## **RELATED ADVISORY BOARD RECOMMENDATIONS:**

Not applicable.

**CITY ATTORNEY REVIEW:**

The City attorney has been consulted regarding the upcoming Legislative Session.

**STAFF RECOMMENDATION:**

Staff asks for Council's input in drafting the draft agenda.

# **HUTTO LEGISLATIVE AGENDA**

**Adopted January 20, 2011**

## **Make Education A Priority**

- Assist with allowing Temple College/Texas State Technical College Campus to be developed in Hutto
- Allow the fast growth schools the ability to exceed the 50 cent test on I&S debt service taxes or at least apply an inflationary increase
- Let fast growth school districts keep the funds from a property value increase for one year (return the one-year funding lag)
- Delay implementation of State of Texas Assessments of Academic Readiness (STAAR), aka end-of-course (EOC), testing for one year

## **Local Control For Local Government**

- Maintain existing local control over tax rates
- Maintain the current constitutional provision limiting increases in appraised values
- Protect local taxpayers from bearing the burden of paying for state mandates
- Maintain the ability of local officials to protect the interests of property owners, neighborhoods, and the public in decisions regarding the permitted uses of property
- Allow Emergency Service Districts the authority to ask for public vote on increasing tax rate cap when necessary

## **Keep Families Safe and Healthy**

- Advocate for family violence prevention and enforcement
- Advocate for Texas Parks and Wildlife to maintain grant funding capacity for municipal and county park creation

## **Expanding Business Growth**

- Expansion of funds toward transportation infrastructure improvements, especially towards FM 685 expansion
- Maintain the local control over economic development sales tax funds for the use of local primary job creation

# **CITY OF HUTTO CITY COUNCIL AGENDA**

**AGENDA ITEM NO.:** 14B1.

**AGENDA DATE:**

August 16, 2012

**PREPARED BY:**

Micah Grau, Assistant City Manager  
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**APPROVED BY:**

David R. Mitchell  
\_\_\_\_\_

David Mitchell, City Manager

**ITEM:**

Work session on the proposed revenues and expenditures for the Fiscal Year 2012-13 Budget.

**STRATEGIC GUIDE  
POLICY:**

Fiscal and Budgetary, Service Delivery

**ITEM BACKGROUND:**

The City Council was given the proposed Fiscal Year 2012-13 Budget on July 26, 2012.

**BUDGETARY AND FINANCIAL SUMMARY:**

Please see the proposed Fiscal Year 2012-13 Budget.

**RELATED ADVISORY BOARD RECOMMENDATIONS:**

Not applicable.

**CITY ATTORNEY REVIEW:**

Not applicable.

**STAFF RECOMMENDATION:**

City staff will present information regarding department budgets during the work session.